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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,035	11/24/2003	Andrew Berglund	BerglundArm	6498
27119	7590	07/24/2006	EXAMINER	
ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/722,035	BERGLUND, ANDREW	
	Examiner	Art Unit	
	Amy J. Sterling	3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final. *2/1/06*
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is non-final action for application number 10/722,035 Adaptive Arm Support, filed on 11/24/03. Claims 1-21 are pending. This action is in response to applicant's reply dated 1/23/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

#### ***Claim Rejections - 35 USC § 112***

Claims 4 and 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 15 recite a "hand cup" and it is unclear if this is intended to be the same element as the "palm rest 22".

Claim 13 recites, "while simultaneously permitting and translating" in line 7 and it is unclear what is meant by "simultaneously permitting" and it is unclear as to which element may be "translating".

#### ***Claim Rejections - 35 USC § 102***

Claims 1, 3-18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 1721221 to Jáuregui.

With regards to claims 1, 3-8 and 13-18, the patent to Jáuregui discloses an adaptive support having a base support (5) a first support member (8) pivotal about a first axis passing through the first support member and repositionable with respect to the base support along the first axis having a means (10) for variably setting a resistance to the first axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, a second support member (26) pivotal about a second axis displaced from the first axis and passing through the first and second support members having a means (28) which is an adjustable coupler, for variably setting a resistance to the second axis pivotal motion while simultaneously permitting pivoting motion and a longitudinally translating extensive armrest (30) having a forearm rest and a hand cup (end of channel 30) pivotal about a third axis displaced from the second axis and passing through the second and third support members having a means (31) for variably setting a resistance to the third axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, the first second and third axis which are parallel, a pivotal member (30a) between the armrest and the second support member pivotal about a fourth axis angularly offset and perpendicular from the third axis having a means (31) for variably setting a resistance to the fourth axis pivotal motion while simultaneously permitting motion, to thereby dampen tremors, and an elbow pad (15) extendible from the armrest and pivotal about a fifth axis angularly offset and perpendicular from the armrest longitudinal axis and a means (12) for variably setting the resistance of the elbow pad, a pair of L-shaped rods (13) spaced from each other and which are extendible parallel to the armrest longitudinal axis, the elbow pad (15)

independently pivotal about each of the L-shaped spaced rods, wherein the longitudinal extension of a first one of the rods while a second one remains anchored effectuates pivotal motion about the elbow pad about a fifth axis.

With regards to claims 10-12, Jáuregui teaches an anchor (1) affixed to a support (8), at least one arm restraint (30) having a longitudinal axis and providing support for a users arm, a means (19, 26) for suspending and translating the arm restraint in a direction relative to the anchor member throughout and constrained within two axes, at least one means to provide height adjustment (19) having a rod (19) and a fastener (28) retaining the first support member at a position with respect to the anchor member (1) that is adjustable along a first axis when the fastener is released, the height adjustment of the arm restraint being offset to the planar region to the anchor member and a least one means of pivot the arm restrain in and out of the planar region. Jáuregui discloses that the translating restraint has a first support member pivotal about a first axis, the axis perpendicular to the planar region of arm restraint and passing through the first support member, and a second support member pivotal about a second axis having a means for variably setting a resistance to the second axis pivotal motion, the second axis displaced from and parallel to the first axis and passing through the first and second support members.

***Claim Rejections - 35 USC § 103***

Claims 2 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. Jáuregui as applied to claims 1 and 13 above, and in view of United States Patent No. 6000916 to Martin et al.

Jáuregui discloses applicant's basic inventive concept, all the elements which are shown above and including that the means for variably setting a resistance is a set screw. Jáuregui does not show wherein the set screw has a bushing adjacent to and engaging the first axis.

Martin et al. teaches a set screw (38) which has a brass tip (See Col. 4 line 25) which is used as a bushing, to aid in securing two elements together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Martin et al. to have added a brass tip to the set screw as taught by Jáuregui in order to aid in securing the members together.

***Response to Arguments***

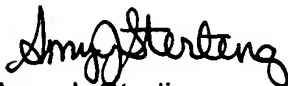
The applicant has argued that the locking devices of Jáuregui are either loose or locked and therefore are not variable. This is unpersuasive in that the degree of looseness will add or retract resistance to the attached device. There are many degrees of looseness with a finger tightened locking device. This is considered a variable resistance. The applicant also argues that the Jáuregui patent is silent on "the means to effectively dampen muscle tremors". This is unpersuasive in that the dampening of muscle tremors would be dependent upon the degree of tightening of the

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locking device and even though the reference does not specifically discuss reducing hand tremors, the "structure" of the device still meets the limitation.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
Amy J. Sterling  
Primary Examiner  
7/6/06